

REMARKS

The official action of 10 April 2009 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The abstract of the disclosure has been amended to correct the informality noted at paragraph 2 of the official action.

Claim 1 has been amended with the incorporation of the subject matter formerly in claim 2 (now canceled). This amendment overcomes the double patenting rejections discussed below.

The claims have also been amended to remove the bases for the claim objections appearing at paragraph 3 of the official action and the rejections under 35 USC 112, second paragraph appearing at paragraph 5 of the official action. (The courteous suggestions of the Examiner are acknowledged with appreciation and have been followed.) All claims as amended are respectfully believed to be sufficiently definite to satisfy the dictates of 35 USC 112, second paragraph.

The claims were rejected for alleged nonstatutory obviousness-type double patenting over certain claims of US Patent 7,211,132 (paragraph 8 of the official action) and certain claims of US Patent 7,083,669 (paragraph 9 of the official action). In response, the subject matter of claim 2 has been incorporated into the independent claim to limit the cyan dye to the cyan dye of formula (II).

In formula (II), each of R1 to R4 is necessarily present at a beta position. (Note: the alfa positions are occupied by hydrogen atoms.) This is clearly distinguishable from the cyan dyes claimed in the cited patents and provides the claimed ink composition with superior light fastness and gas fastness as compared to an ink composition with the cyan dyes claimed in the cited patents. The claims of the cited patents do not show or suggest this claim feature, and neither this feature nor the advantages that can be achieved thereby would have been obvious from the patent claims. Accordingly, Applicants respectfully submit that the rejection should be withdrawn.

The claims have also been provisionally rejected for alleged obviousness-type double patenting over certain claims of copending Application 11/597,729. Since this is a provisional rejection and the present application is the earlier filed one, Applicants respectfully request that the rejection be held in abeyance until such time as the other rejections have been overcome and then permit this application to issue. See MPEP 804(I)(B)(1).

The claims stand rejected under 35 USC 102(e) as allegedly being anticipated by Oki et al. Applicants respectfully traverse this rejection.

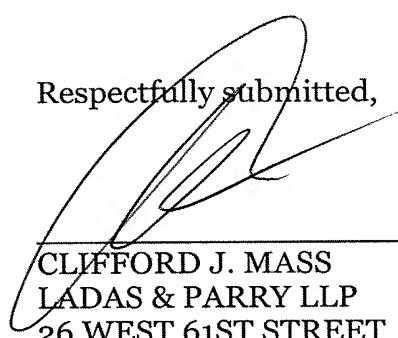
The present application claims priority from a Japanese application, JP 2003-339689, filed on 30 September 2003, and Applicants advise that this priority application contains support for the subject matter now claimed. In contrast, the cited reference is a US patent with a 102(e) date of 28 September 2004. Accordingly, Applicants antedate the

reference by virtue of their earlier filing date such that the reference is not citable as prior art under the provisions of 35 USC 102(e).

An English translation of the Japanese priority application will follow.

In view of the above, an early and favorable reconsideration of the application as amended is earnestly solicited.

Respectfully submitted,



CLIFFORD J. MASS
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086 (212)708-1890